

ENKEL PROJECT APPLICATION

Special Procedures Apply

A petition decision has been **granted** providing waiver of requirements under 37 CFR 1.98 related to the filing of paper copies in each case. The Decision mailed 12/1/99 and this memo set forth examining guidelines to be followed during the examination process. In summary:

- ✓ The applicant will not be required to file a paper copy of each IDS reference citation in each case. Instead, the applicant will file three sets of copies of each IDS reference citation in the holding case. The first set will remain with the holding case (Serial No. 09/147,325). The second set will be used to populate Digests 13-33 in Class 174 and the third set will be kept as a master set in the EIC (Electronic Information Center). All other Enkel cases will have a copy of the petition decision and the IDS papers without the reference copies. There are almost 700 references in the IDS.
- ✓ Since Digests 13-33 contain all the references contained in the IDS, searching the Digests will be a pertinent field of search as defined in MPEP sec. 904.01(d).
- ✓ Paper copies taken from the search room must be returned **promptly**.
- ✓ Any new references discovered by an examiner and considered pertinent or cited by applicant will be classified in the Digests by classifier John Hanley after approval by a Primary Examiner or SPE.
- ✓ Class 174 Digests 13-33 (paper version) will be located in room **CP4-11C06**. **This room will also serve as central files for the Enkel cases.** The Digests are expected to be available for automated searching on EAST and WEST in early January.
- ✓ Restriction requirements are discouraged. If one is considered necessary, permission must be obtained from a panel consisting of SPE's Mike Gellner and Nestor Ramirez. This will help assure consistency among the examiners and help us maintain control over classification and assignment of cases.
- ✓ Care should be taken that double patenting rejections are consistent among the relevant cases. In order to provide consistency these rejections must also be cleared by the same panel.
- ✓ To help maintain consistency, all appeal conferences should include Mike Gellner.
- ✓ There will also be an allowance review panel to review all applications before they are passed to issue. This will help maintain consistency in standards of patentability and classification. All patent applications involved in this project will be tagged on PALM. The electronic tag will prevent a Notice of Allowance (NOA) from being mailed before the case is cleared by the panel consisting of SPE's Mike Gellner and Nestor Ramirez. If there is an attempt to mail a NOA in one of these cases, an error message "Send to Special Programs" will be returned. Allowance of any applications should be cleared by the panel before being counted. Although most of the cases are at the beginning stages of prosecution, if you encounter a situation where one of these cases is going to be allowed, please contact Nestor Ramirez or Mike Gellner.
- ✓ You can contact Mike Gellner at 308-1721 and Nestor Ramirez at 308-1371.

DISPATCHING this application to Central Files **28C3**, use this barcode



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